

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ROCHELLE R. CHARLES,

Plaintiff,

V.

CAROLYN COLVIN, Acting Commissioner of Social Security,

Defendant.

Case No. C13-648-RSM-BAT

REPORT AND RECOMMENDATION

Plaintiff appeals the denial of her disability application. Dkt. 5. The parties stipulate the case should be reversed and remanded for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). Dkt. 23.

The Court has considered the parties' stipulation and the record and recommends the case be **REVERSED** and **REMANDED** under sentence four of 42 U.S.C. § 405(g), for further administrative proceedings. On remand, the Administrative Law Judge will conduct a *de novo* hearing and offer plaintiff the opportunity to appear at the new administrative hearing. Plaintiff may testify, submit additional evidence, and make new arguments at the hearing. The ALJ shall make a new, full sequential disability evaluation, including re-evaluating plaintiff's impairments. New medical evidence, if available, shall be considered on remand. The ALJ should evaluate the opinions of Kok E. Lee, M.D., William R. Wilkinson, Ed.D., Eve Paretsky,

1 M.D., and Mark Zimmerman, LMHC. The ALJ should also re-evaluate the other medical
2 opinions to determine if any new medical evidence or Dr. Lee's, Dr. Wilkinson's, Dr. Paretsky's,
3 and Mr. Zimmerman's opinions affect the medical analysis. If the ALJ rejects any of the
4 medical opinions, the ALJ should provide legally sufficient explanation of the reasons. The ALJ
5 shall reassess whether the claimant meets a listing. The ALJ shall re-evaluate the other medical
6 evidence, plaintiff's impairments, plaintiff's credibility, plaintiff's residual functional capacity,
7 and plaintiff's ability to perform work at steps four and five, as necessary. The ALJ shall re-
8 evaluate whether the claimant's prior employment was performed at the level required to be a
9 substantial gainful activity. If necessary, the ALJ shall obtain vocational expert testimony to
10 help determine plaintiff's ability to perform work at steps four and five. The ALJ shall issue a
11 new decision. The parties stipulate that this remand be made pursuant to sentence four of 42
12 U.S.C. § 405(g).

13 Because the parties have stipulated that the case be remanded as set forth above, the
14 Court recommends that United States District Judge Ricardo S. Martinez immediately approve
15 this Report and Recommendation and order the case **REVERSED** and **REMANDED** for further
16 administrative proceedings. A proposed order accompanies this Report and Recommendation

17 DATED this 11th day of December, 2013.

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20 BRIAN A. TSUCHIDA
21 United States Magistrate Judge
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